

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
R.J. O'Hara

Filing Date: Herewith

Attorney File No.: 14846-14

Entitled: System and Method For Securely Monitoring
and Managing Network Devices

Assistant Commissioner for Patents
Alexandria, VA 22313-1450

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. §1.102

SIR:

It is requested that the above-captioned patent application, filed herewith, be granted Special Status for accelerated Examination. As set forth in MPEP §708.02(VIII), such a petition requires: (1) that all claims be directed to a single invention; (2) a pre-examination search; (3) copies of all of the references identified in the search deemed most closely related to the claimed subject matter; (4) a detailed discussion pointing out with particularity how the claimed subject matter is patentable over the references; and (5) the fee set forth in 37 C.F.R. 1.17(h). As presented in more detail below, Applicant have complied with each of these requirements. Therefore, Applicant respectfully request granting of this petition.

I. APPLICANT'S CLAIMED INVENTION

Applicant's claimed invention is directed to a system and method that provides an entirely new layer of security in network management systems. According to the invention, as claimed, a plurality of network devices are connected to a data network via a data network port. A network management system is connected to each of the plurality of network devices at a port that is, importantly, not connected to the data network. Furthermore, the ports and the network management system are configured such that only the network management system may initiate communication.

II. THE PATENT APPLICATION PRESENTS CLAIMS TO A SINGLE INVENTION

The claims of the patent application filed herewith are directed to a single invention. The current application includes two independent claims. Independent claim 1 is directed to a method to for securely managing and monitoring a data network. Independent claim 11 is directed to an apparatus that provides secure monitoring of network components in a data network.

Should the Examiner determine that the claims are not directed to a single invention, Applicant will make an election without traverse according to established telephone-restriction practice, MPEP § 708.02(VII).

III. PRE-EXAMINATION SEARCH

A pre-examination search was performed by the professional search firm of Woolcott LLC (“Woolcott”) to locate the U.S. Patents and U.S. Patent Publications relevant to the inventive concept (the “Search”). Woolcott is located at 2001 Jefferson Davis Highway, Suite 411, Arlington, Virginia 22202, Tel: 800.223.9697 and has a web page address of <http://www.woolcott.com/index.html>.

Copies of Woolcott’s Search Report and the identified references are attached. As can be seen from this Search Report, the following classes and subclasses were searched:

Class	Subclasses
713	200, 201
370	254
709	224, 235

Woolcott pointed out one reference deemed related to the claimed subject matter: U.S. Publication Number 20020104017, which was published on August 1, 2002 by Stefan. This reference is discussed in detail, below.

Additionally, Woolcott selected eight references as being of possible additional interest:

<u>Publication Number</u>	<u>Inventor</u>	<u>Publication Date</u>
US 20030070084	Satoomaa et al.	04/10/2003
US 20030051026	Carter et al.	03/13/2003
US 20030046587	Bheemarasetti et al.	03/06/2003
US 20030037142	Munger et al.	02/20/2003

US 20020191549	McKinley et al.	12/19/2002
US 20020191548	Ylonen et al.	12/19/2002
US 20020165949	Na et al.	11/07/2002
US 20020099826	Summers et al.	07/25/2002

Nothing in this Petition should be construed as an admission that any reference identified in the Search or discussed herein is available as prior art to the above-captioned application.

IV. DETAILED DISCUSSION OF PATENTABILITY

The claimed subject matter of the above-captioned patent application is patentable over all of the cited references. Applicant provide detailed discussion in this Section that points out with particularity how the claimed subject matter is patentable over the cited references.

U.S. PUBLICATION NUMBER 20020104017, PUBLISHED ON AUGUST 1, 2002 BY STEFAN ("STEFAN")

The subject matter of the above-captioned patent application is patentable over Stefan. Among other deficiencies of Stefan, it does not teach or suggest a plurality of network devices connected to a data network via a data network port and to a network management system at another port that is not connected to the data network. Furthermore, Stefan does not teach or suggest that the ports and the network management system are configured such that only the network management system may initiate communication, as recited in Applicants' claims.

Stefan discloses a security system, known in the art as a "firewall," that comprises a front-end server attached to the public network and configured to drop non-requested packets from the public network. Further, Stefan discloses a back-end server connected to network elements and the front-end server and configured to gather packets requested by the network elements from the public network and signed packets from the front-end server. The back-end server is configured to prevent leaks from the network elements. Stefan discloses a system that passes data packets through a firewall. Applicant's claimed invention does not even try to filter or block non-requested packets that may have control data. Applicant's claimed invention isolates the control system from the data network completely.

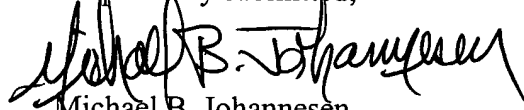
Because Stefan does not teach or suggest Applicant's plurality of network devices connected to a data network via a data network port and to a network management system at another port that is not connected to the data network, Applicant's invention as claimed is patentable over Stefan.

Eight references were selected as being of possible additional interest ("additional references"). None of the additional references, taken alone or in combination, teach or suggest Applicant's plurality of network devices connected to a data network via a data network port and to a network management system at another port that is not connected to the data network. Therefore, Applicant's invention as claimed is patentable over these additional references.

V. CONCLUSION

In view of the foregoing, Applicants' have met all of the requirements for accelerated examination set forth in 37 C.F.R. § 1.102 and detailed in MPEP § 708.02(VIII). Accordingly, Applicant respectfully request this case be made special for expedited examination. Please charge the required fee set forth in 37 C.F.R. § 1.17(h), estimated to be \$130.00, to Deposit Account No. 501358.

Respectfully submitted,



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